

This listing of claims will replace all prior versions, and listings, of claims in the application:

**The Status of the Claims**

1. (Original) A method for fabricating a semiconductor device comprising:  
forming a well, a source region, and a drain region in a substrate;  
forming a gate oxide film on the substrate;  
depositing a polysilicon film on the gate oxide film;  
forming a trench isolation in the substrate by a dry etching process;  
forming an oxide film on the inside surface of the trench isolation;  
providing a dielectric material to fill in the trench isolation and planarizing the dielectric material to expose the top surface of the polysilicon film; and  
forming a gate by dry etching the polysilicon film.

2. (Original) The method of claim 1, wherein forming a gate by dry etching the polysilicon film includes a first etching process without a selective ratio to the dielectric material and a second etching process with a selective ratio to the dielectric material, so that the dielectric material in the trench isolation is not protruded from the gate oxide film.

3. (Original) The method of claim 1, wherein in the trench isolation forming, the dry etching process is performed by using a photoresist pattern formed on the polysilicon film as a mask.

4. (Original) The method of claim 1, wherein the planarizing of the dielectric material is performed by a CMP process.

5. Cancelled